

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 4, 1999**

## DIVISION ONE

B119987 People (Not for Publication)  
v.  
Amador

The judgment is reversed. The matter is remanded to the trial court with instructions to enter an order granting defendant's motion to suppress the evidence seized pursuant to the search warrant.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B123814 People (Not for Publication)  
v.  
Young

The judgment is affirmed. The matter is remanded for issuance of a corrected abstract of judgment showing imposition of a parole revocation fine. The corrected abstract is to be sent to the Department of Corrections.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

August 4, 1999-Continued

## DIVISION ONE (Continued)

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The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B120438      Smith et al.      (Not for Publication)  
v.  
Berkshire Hathaway, Inc., et al.

We affirm the judgment. Defendants are entitled to their costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B115687      Methot      (Not for Publication)  
v.  
Interstate Electric Company, Inc.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION ONE (Continued)

B132795      Hamlet      (Not for Publication)

v.

Superior Court, Los Angeles County  
(Conte, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of May 13, 1999, ordering Los Angeles Superior Court case No. YC031572, entitled Janice Hamlet v. Robert Conte et al., to be transferred to the municipal court, and to order the case re-transferred to it for all further proceedings.

All parties shall bear their own costs.

Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J.

B132272      Joseph F.      (Not for Publication)

v.

Superior Court, Los Angeles County  
(Dept. of Children & Family Services, r.p.i.)

The petition is denied.

Masterson, J.

We concur:    Ortega, Acting P.J.  
                         Vogel (Miriam A.), J.

B118939      Convy      (Not for Publication)

v.

Tig Insurance Co.

The judgment is affirmed.

Masterson, J.

We concur:    Ortega, Acting P.J.  
                         Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B125940      Counts et al.                      (Not for Publication)  
                 v.  
                 Wilson et al.

The judgment and the order awarding attorneys' fees and costs are reversed.  
On remand, the trial court is directed to enter judgment in favor of  
defendants. Appellants are entitled to their costs on appeal.

Masterson, J.

We concur:   Ortega, Acting P.J.  
                 Vogel (Miriam A.), J.

B126719      People                                      (Not for Publication)  
                 v.  
                 Joiner

The judgment is affirmed.

Ortega, J.

We concur:   Spencer, P.J.  
                 Masterson, J.

DIVISION THREE

B124720      Ronnie Barnes                              (Certified for Partial Publication)  
                 v.  
                 Workers' Compensation Appeals Board et al.

The Board's order denying reconsideration is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                 Kitching, J.

August 4, 1999-Continued

### DIVISION THREE (Continued)

B127313      People                                  (Not for Publication)  
v.  
Javier Mendoza Aguilar

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION FOUR

B116070      Ehret et al.      (Certified for Partial Publication)  
v.  
Congoleum Corporation et al.

The trial court's grant of a JNOV is reversed and the case is remanded for the court to enter judgment against Congoleum in the amount of \$817,896. Congoleum shall recover its costs on appeal.

Kuhl, J. (Assigned)

We concur: Epstein, Acting P.J.  
Curry, J.

B123642      Sja      (Not for Publication)  
v.  
Ng

The \$60,000 award of exemplary damages on the cross-complaint is stricken, and in all other respects the judgment is affirmed. Appellants are to have their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FOUR (Continued)

B119383      Shewchuk      (Not for Publication)

v.

Allied-Signal Aerospace Company et al.

The judgment and order are affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B122773      Gilbert      (Not for Publication)

v.

Trustees of the California State University et al.

The order of dismissal is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B121438      People      (Certified for Publication)

v.

Epps

Appellant's sentence is reversed and the matter is remanded for resentencing following further proceedings consistent with section 1025. The judgment is affirmed in all other respects.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

August 4, 1999-Continued

## DIVISION FOUR (Continued)

B123009 People (Not for Publication)  
v.  
Jones

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B125576 People v. Lester Jones  
B131762 In re Daniel F. & Samantha R. v. S.C.L.A.  
B121897 Chon v. Ivy Realty  
B125314 People v. Carlos Fuentes

Argument waived, cause submitted.

B124547 Stanley Ku  
v.  
Colima Center Partnership et al.

Merits:  
Argued by Michael A. Reynolds for appellant and Steven Hashimoto appears for respondent and waives oral argument. Cause submitted.

DIVISION FIVE (Continued)

B125314     The People  
              v.  
              Mario M. Galderrama

Merits:

Argued by Thomas T. Ono for appellant and by Juliet H. Swoboda, deputy attorney general, for respondent. Cause submitted.

The Court recessed.

The Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

B129792     Dan Evan Fleischman  
              v.  
              Stuart D. Zimring

Merits:

Argued by John T. Blanchard for appellant and by Wendy Lascher for respondent. Cause submitted.

B126934     National Council Against Health Fraud, Inc.  
              v.  
              Aroma Vera, Inc., et al.

Merits:

Argued by Morse Mehrban for appellant and by Scott D. Pinsky for respondent. Cause submitted.

B125813     Joan Macomber  
              v.  
              American Association of Retired Persons

Merits:

Argued by Patricia J. Barry for appellant and by Deborah C. Saxe for respondent. Cause submitted.

The Court recessed.



DIVISION FIVE (Continued)

The Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B124431      People v. Gustavo Arellano  
B127256      People v. Stanton Rose  
B123534      People v. Fernando Castro  
B132573      In re Steven Bullard on Habeas Corpus

Argument waived, cause submitted.

B125042      Robyn Jo Marcus  
                 v.  
                 Oren Marcus

Merits:

Argued by Gary M. Weinstein for appellant and by Joel Spivak for respondent. Cause submitted.

B127338      Lizabeth Uribe  
                 v.  
                 Southern California Permanente Medical Group

Merits:

Argued by Jerome Zamos for appellant and by Frederick Scott Page for respondent. Cause submitted.

B120250      Forica Cuculici  
                 v.  
                 Virgil Cuculici

Merits:

Argued by Virgil Cuculici appellant in propria persona and by Casey A. Olsen for respondent. Cause submitted.

Court adjourned.

August 4, 1999-Continued

DIVISION SIX

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The order dismissing the complaint is affirmed and respondent is awarded costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.  
Matz, J. (Assigned)

B115679      Spelling      (Not for Publication)  
v.  
R.W. LaMar Construction Inc.

The judgment is affirmed. Costs to respondents.

Matz, J. (Assigned)

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

## DIVISION SEVEN

B116910 People (Not for Publication)  
v.  
Berumen

The judgment is affirmed.

Neal, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

August 4, 1999-Continued

DIVISION SEVEN (Continued)

B121408      People                                  (Not for Publication)  
v.  
Derrick S., a minor

The order under review is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

B127012 People (Not for Publication)  
v.  
Estrada

The judgments are affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B114550      Burton                      (Not for Publication)  
v.  
Burton

The judgment is affirmed. The request of appellant Gloria Burton for sanctions on appeal is denied. The parties shall bear their own costs on appeal.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B116869      Reichman      (Not for Publication)  
v.  
Eric Chandler Communications of Antelope Valley

The judgment is reversed, and the cause remanded to the trial court for further proceedings consistent with this opinion. Respondents' motion for sanctions is denied. Appellant shall recover his costs on appeal.

Neal, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

B118295      Real Estate Commissioner      (Not for Publication)  
v.  
Miller

The judgment is reversed, and the cause remanded to the trial court for further proceedings consistent with this opinion. Appellant shall recover his costs on appeal.

Neal, J.

We concur: Lillie, P.J.  
Johnson, J.

B125203      Kim      (Certified for Publication)  
v.  
Workers Compensation Appeals Board et al.

The petition for review is denied.

Neal, J.

We concur: Johnson, Acting P.J.  
Woods, J.

August 4, 1999-Continued

## DIVISION SEVEN (Continued)

B128420      Cooper      (Not for Publication)

V.

# Workers Compensation Appeals Board

Department of Forestry, Respondent

The order denying reconsideration is annulled and the matter is remanded for further proceedings consistent with this opinion.

Woods, J.

We concur:   Johnson, Acting P.J.

Neal, J.

B123445	People
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V.

Mojarro

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)